

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Rule making related to annual raw forest products permit

The Department of Transportation hereby amends Chapter 511, “Special Permits for Operation and Movement of Vehicles and Loads of Excess Size and Weight,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 307.12 and 321E.15.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321.463, 321E.2, 321E.3, 321E.7, 321E.9, 321E.14 and 321E.26, and 2019 Iowa Acts, Senate File 629, sections 1 and 3 to 6.

Purpose and Summary

This rule making updates Chapter 511 to align the rules with Iowa Code section 321.463 and chapter 321E as amended by 2019 Iowa Acts, Senate File 629, sections 1 and 3 to 6.

The amendments establish the new annual raw forest products permit rule as required by Iowa Code section 321E.26, which was newly enacted by 2019 Iowa Acts, Senate File 629, section 6. Annual raw forest products permits are issued for vehicles transporting divisible loads of raw forest products when the weight of the vehicle exceeds the statutory limits. As provided in the Iowa Code, a vehicle traveling under this permit is not authorized to travel on the interstate and must contact the appropriate local authority for route approval to use this permit on county roads or city streets.

Additionally, the amendments align the Department’s rules with the Iowa Code by adding a new definition of “raw forest products,” incorporating the new statutory \$175 permit fee for divisible loads of raw forest products, and subjecting a vehicle operating under the annual raw forest products permit to the same maximum axle weights and permitted tandem axle weights as the annual oversize/overweight permit.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on January 15, 2020, as **ARC 4869C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Department on February 19, 2020.

Fiscal Impact

The Department issued 109 raw forest products permits from July 1, 2019, through January 29, 2020, with a resulting revenue amount of approximately \$19,211. Based on the current number of permits issued and the nature of this small industry, the Department does not anticipate a revenue impact that would exceed \$100,000 annually or \$500,000 over five years.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on April 15, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend rule **761—511.1(321E)**, definition of “Permit-issuing authority,” as follows:

“*Permit-issuing authority*” means the:

1. Department's ~~office of~~ vehicle and motor carrier services bureau for permits for movement on the primary road system.

2. Authority responsible for the maintenance of a nonprimary system of highways or streets for permits for movement on that system. However, the ~~office of~~ vehicle and motor carrier services bureau may issue single-trip permits on primary road extensions in cities in conjunction with movement on the rural primary road system.

ITEM 2. Adopt the following new definition of “Raw forest products” in rule **761—511.1(321E)**:

“*Raw forest products*” means the same as defined in Iowa Code section 321E.26.

ITEM 3. Amend rule **761—511.1(321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321E.9, 321E.15, 321E.26, 321E.29, 321E.30 and 321E.34.

ITEM 4. Amend subrule 511.2(1) as follows:

511.2(1) Applications, forms, instructions and restrictions are available on the department's website at www.iowadot.gov and by mail from the ~~Office of~~ Vehicle and Motor Carrier Services Bureau, Iowa Department of Transportation, P.O. Box 10382, Des Moines, Iowa 50306-0382; in person at 6310 SE Convenience Blvd., Ankeny, Iowa; by telephone at (515)237-3264; or by facsimile at (515)237-3257. Permits may be obtained electronically upon making application to the ~~office of~~ vehicle and motor carrier services bureau.

ITEM 5. Amend subrule 511.2(4), introductory paragraph, as follows:

511.2(4) Except as provided in subrule 511.7(6) and rule ~~761—511.14(321,321E)~~ 761—511.15(321,321E), permits may be issued only for the transporting of a single article which exceeds statutory size or weight limits or both, and which cannot reasonably be divided or reduced to statutory size and weight limits. However, permits may be issued for the transporting of property consisting of more than one article when:

ITEM 6. Amend rule 761—511.4(321E), introductory paragraph, as follows:

761—511.4(321E) Permits. Permits issued shall be in writing or in electronic format and may be either single-trip, multitrip, annual, annual oversize/overweight, annual raw forest products, compacted rubbish or all-systems permits.

ITEM 7. Amend paragraph **511.4(3)“a”** as follows:

a. Annual, annual oversize/overweight, annual raw forest products, compacted rubbish, and all-systems permits shall expire one year from the date of issuance.

ITEM 8. Amend rule 761—511.5(321,321E) as follows:

761—511.5(321,321E) Fees and charges.

511.5(1) and 511.5(2) No change.

511.5(3) *Annual raw forest products permit.* A fee of \$175 shall be charged for each annual permit issued pursuant to Iowa Code section 321E.26 for divisible loads of raw forest products, payable prior to the issuance of the permit.

511.5(3) 511.5(4) *Annual oversize/overweight permit.* A fee of \$400 shall be charged for each annual oversize/overweight permit, payable prior to the issuance of the permit. Transfer of current annual oversize/overweight permit to a replacement vehicle may be allowed when the original vehicle has been damaged in an accident, junked or sold.

511.5(4) 511.5(5) *All-systems permit.* A fee of \$160 shall be charged for each annual all-systems permit, payable prior to the issuance of the permit.

511.5(5) 511.5(6) *Bridge-exempt permit.* A fee of \$25 shall be charged for each bridge-exempt permit issued pursuant to Iowa Code section 321E.7, payable prior to the issuance of the permit.

511.5(6) 511.5(7) *Multitrip permit.* A fee of \$200 shall be charged for each multitrip permit, payable prior to the issuance of the permit.

511.5(7) 511.5(8) *Raw milk permit.* A fee of \$25 shall be charged for each raw milk permit issued pursuant to Iowa Code section 321E.29A, payable prior to the issuance of the permit.

511.5(8) 511.5(9) *Single-trip permit.* A fee of \$35 shall be charged for each single-trip permit, payable prior to the issuance of the permit.

511.5(9) 511.5(10) *Compacted rubbish permit.* A fee of \$100 shall be charged for each compacted rubbish permit, payable prior to the issuance of the permit.

511.5(10) 511.5(11) *Duplicate permit.* A fee of \$2 shall be charged for each duplicate permit, payable prior to the issuance of the permit.

511.5(11) 511.5(12) *Registration fee.* A registration fee shall be charged for vehicles transporting buildings, except mobile homes and factory-built structures, on a single-trip basis. The vehicle shall be registered for the combined gross weight of the vehicle and load. The fee shall be 5 cents per ton exceeding the weight registered under Iowa Code section 321.122 per mile of travel and shall be payable prior to the issuance of the permit. Fees shall not be prorated for fractions of miles.

511.5(12) 511.5(13) *Fair and reasonable costs.* Permit-issuing authorities may charge any permit applicant:

a. A fair and reasonable cost for the removal and replacement of natural obstructions or official signs and signals.

b. A fair and reasonable cost for measures necessary to avoid damage to public property including structures and bridges.

511.5(13) 511.5(14) *Methods of payment.* Fees and costs required under this chapter shall normally be paid by credit card, certified check, cashier's check, traveler's check, bank draft or cash. Personal checks may be accepted at the discretion of the permit-issuing authority.

This rule is intended to implement Iowa Code sections 321.12, 321.122, 321E.14, 321E.29, 321E.29A and 321E.30.

ITEM 9. Amend paragraph **511.6(1)“a”** as follows:

a. Public liability insurance in the amounts of \$100,000 bodily injury each person, \$200,000 bodily injury each occurrence, and \$50,000 property damage with an expiration date to cover the tenure of the annual, annual oversize/overweight, annual raw forest products, all-systems, multitrip or single-trip permit shall be required. In lieu of filing with the permit-issuing authority, a copy of the current certificate of public liability insurance in these amounts shall be carried in the vehicle for which the permit has been issued. Proof of liability insurance may be either in writing or in electronic format.

ITEM 10. Amend rule 761—511.7(321,321E) as follows:

761—511.7(321,321E) Annual permits. Annual permits are issued for indivisible vehicles or indivisible loads for travel when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The owner or operator shall select a route using the vertical clearance map and road construction and travel restrictions map provided by the department. Detour and road embargo information may also be found online at: www.511ia.org. Prior to making the move, the owner or operator shall contact the department by telephone at (515)237-3264 between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays, to verify that the owner or operator is using the most recent information. Annual permits are issued for the following:

511.7(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to *c.* No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the ~~office of vehicle and motor carrier services bureau~~ is not required.

511.7(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to *c.* No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. Distance. Movement is restricted to 50 miles unless trip routes are obtained from the ~~office of vehicle and motor carrier services bureau~~ or the route continues on at least four-lane roads. Trip routes are valid for five days.

511.7(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to *c.* No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. Distance. Trip routes must be obtained from the ~~office of vehicle and motor carrier services bureau~~.

511.7(4) No change.

511.7(5) Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to *c.* No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. to *g.* No change.

511.7(6) Vehicles with divisible loads of hay, straw, stover, or bagged livestock bedding provided the following are not exceeded:

a. to *c.* No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. No change.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10, 321E.29 and 321E.29A.

ITEM 11. Amend subrule 511.8(1) as follows:

511.8(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to *c.* No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. Routing. The owner or operator shall select a route using a vertical clearance map, ~~kip map~~, bridge embargo map, pavement restrictions map, and ~~detour and road embargo~~ construction and travel restrictions map provided by the department. Detour and road embargo information may also be found online at www.511ia.org. The owner or operator shall contact the department by telephone at

(515)237-3264 between 8 a.m. and 4:30 p.m., Monday through Friday, except for legal holidays, prior to making the move to verify that the owner or operator is using the most recent information.

ITEM 12. Amend rule **761—511.8(321,321E)**, implementation sentence, as follows:

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, ~~and~~ 321E.8 and 321E.9.

ITEM 13. Amend rule 761—511.9(321,321E) as follows:

761—511.9(321,321E) All-systems permits. All-systems permits are issued by the ~~office of~~ vehicle and motor carrier services bureau for indivisible vehicles or indivisible loads for travel on the primary road system and specified city streets and county roads when the dimensions of the vehicle or load exceed statutory limits but the weight is within statutory limits. Routing is subject to embargoed bridges and roads and posted speed limits. The ~~office of~~ vehicle and motor carrier services bureau will provide a list of the authorized city streets and county roads. Permit holders shall consult with local officials when traveling on county roads or city streets for bridge embargo, vertical clearance, detour, and road construction information. These permits are issued for the following:

511.9(1) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the ~~office of~~ vehicle and motor carrier services bureau and city and county jurisdictions is not required.

511.9(2) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. Distance. Movement is restricted to 50 miles unless trip routes are obtained from the ~~office of~~ vehicle and motor carrier services bureau and city and county jurisdictions or the route continues on at least four-lane roads. Trip routes are valid for five days.

511.9(3) Vehicles with indivisible loads, including special mobile equipment, mobile homes and factory-built structures, provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. Distance. Trip routes must be obtained from the ~~office of~~ vehicle and motor carrier services bureau and city and county jurisdictions.

511.9(4) No change.

511.9(5) Truck trailers manufactured or assembled in the state of Iowa provided the following are met:

a. to c. No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. to g. No change.

511.9(6) Vehicles with divisible loads of hay, straw, stover, or bagged livestock bedding provided the following are not exceeded:

a. to c. No change.

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

e. Distance. Movement is allowed for unlimited distance; routing through the ~~office of~~ vehicle and motor carrier services bureau and city and county jurisdictions is not required.

511.9(7) No change.

This rule is intended to implement Iowa Code sections 321.454, 321.456, 321.457, 321.463, 321E.2, 321E.3, 321E.8, 321E.10 and 321E.29.

ITEM 14. Amend paragraph **511.12(1)“d”** as follows:

d. Weight. See rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

ITEM 15. Renumber rules **761—511.13(321,321E)** to **761—511.18(321)** as **761—511.14(321,321E)** to **761—511.19(321)**.

ITEM 16. Adopt the following new rule 761—511.13(321,321E):

761—511.13(321,321E) Annual raw forest products permits. Annual raw forest products permits are issued for vehicles transporting divisible loads of raw forest products when the weight exceeds statutory limits. Travel is not allowed on the interstate. The owner or operator shall select a route using the vertical clearance map, bridge embargo map, pavement restrictions map, and construction and travel restrictions map provided by the department. The owner or operator must contact the appropriate local authority for route approval to use this permit on county roads or city streets. Detour and road embargo information may be found online at: www.511ia.org. Routing is subject to embargoed bridges and roads and posted speed limits. Annual raw forest products permits are issued for the following:

511.13(1) Vehicles with divisible loads of raw forest products provided the following are not exceeded:

- a. *Width.* Statutory: 8 feet 6 inches.
- b. *Length.* Limited to the maximum dimensions in Iowa Code section 321.457.
- c. *Height.* Statutory: 13 feet 6 inches.
- d. *Weight.* See rule 761—511.14(321,321E).
- e. *Distance.* Unlimited.

511.13(2) Reserved.

This rule is intended to implement Iowa Code sections 321.463, 321E.2, 321E.3 and 321E.26.

ITEM 17. Amend renumbered rule 761—511.14(321,321E) as follows:

761—511.14(321,321E) Maximum axle weights and maximum gross weights for vehicles and loads moved under permit.

511.14(1) Annual and all-systems permits.

- a. No change.
- b. See subrule ~~511.13(5)~~ 511.14(5) for exceptions for special mobile equipment.

511.14(2) Annual oversize/overweight permits or annual raw forest products permits.

a. For movement under an annual oversize/overweight permit or an annual raw forest products permit, the gross weight on any axle shall not exceed 20,000 pounds, with a maximum of 156,000 pounds total gross weight.

- b. See subrule ~~511.13(5)~~ 511.14(5) for exceptions for special mobile equipment.

511.14(3) Multitrip permits.

- a. No change.
- b. See subrule ~~511.13(5)~~ 511.14(5) for exceptions for special mobile equipment.

511.14(4) Single-trip permits.

- a. to c. No change.
- d. See subrule ~~511.13(5)~~ 511.14(5) for exceptions for special mobile equipment.

511.14(5) No change.

511.14(6) Permitted tandem axle weights.

a. Vehicles operating under an annual oversize permit, annual oversize/overweight permit, annual raw forest products permit, single-trip permit, or multitrip permit may have a gross weight not to exceed 46,000 pounds on a single-tandem axle of the truck tractor and a gross weight not to exceed 46,000 pounds on a single-tandem axle of the trailer or semitrailer if each axle of each tandem group has at least four tires.

- b. and c. No change.

This rule is intended to implement Iowa Code sections 321.463, 321E.7, 321E.8, 321E.9, 321E.9A₂, 321E.26 and 321E.32.

ITEM 18. Amend renumbered subrule 511.15(2) as follows:

511.15(2) At the discretion of the permit-issuing authority, the combined gross weight may exceed the statutory weight, but the axle weights shall be subject to rule ~~761—511.13(321,321E)~~ 761—511.14(321,321E).

ITEM 19. Amend renumbered rule 761—511.18(321,321E) as follows:

761—511.18(321,321E) Permit violations.

Permit violations are to be reported to the permit-issuing authority by the arresting officer and the permit holder. If a permit holder is found to have willfully violated permit provisions, the ~~office of~~ vehicle and motor carrier services bureau may, after notice and hearing, suspend, modify or revoke the permit privileges of the permit holder consistent with Iowa Code section 321E.20.

This rule is intended to implement Iowa Code sections 321.492, 321E.16 and 321E.20.

ITEM 20. Amend renumbered paragraph **511.19(1)“c”** as follows:

c. The department shall exercise due regard for the safety of the traveling public and the protection of the highway surfaces and structures when establishing an economic export corridor. Factors to be considered include ability of the proposed economic export corridor to safely accommodate combinations of vehicles described in subrule ~~511.18(2)~~ 511.19(2), taking into account physical configurations and restrictions and traffic demands and capacity, as well as connection to markets that will benefit from the established economic export corridor.

ITEM 21. Amend renumbered paragraph **511.19(2)“a”** as follows:

a. In addition to combinations of vehicles lawful for operation on roads or road segments not designated as an economic export corridor, the following combinations of vehicles may be operated on an economic export corridor designated under subrule ~~511.18(1)~~ 511.19(1) if the combinations of vehicles meet the requirements in paragraph ~~511.18(2)“b”~~ 511.19(2)“b”:

(1) to (3) No change.

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